

(2024) 07 OHC CK 0031
In the Orissa High Court
Case No : Bail Application No. 1347 Of 2024

Ajay Kumar Behera

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 01-07-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 376AB, 506
Protection of Children from Sexual Offences Act, 2012 — Section 6

Citation : (2024) 07 OHC CK 0031

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Lalatendu Samantray

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. None appears for the petitioner when the matter is called.
2. A withdrawal memo dated 26.02.2024 has been filed on behalf of the petitioner stating as follows:-

"That the petitioner do not want to press this bail application at this stage for which wants to withdraw the Bail application.

Hence this memo filed for withdrawal of this Bail application.

Hence this may kindly be withdrawn."
3. The name of the advocate signing the withdrawal memo has not been mentioned.
4. This is second application of the petitioner under Section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Khantapada P.S. case No. 129 of 2023 corresponding to Special Case No. 154 of 2023 pending in the Court of the

learned A.D.J. - cum- Special Court under POCSO Act, Balasore registered for commission of offences punishable under Sections 376-AB, 506 of the I.P.C. read with Section 6 of the POCSO Act.

5. The earlier application BLAPL No. 12891 of 2023 filed by the petitioner had been dismissed on 15.11.2023 by this Court granting him liberty to move the learned Court below for interim bail if so advised.

6. In this bail application a certificate has been filed stating that the matter out of which this Bail Application arises was never before this Hon'ble Court in any manner what-so-ever as per the instruction received from the client.

7. Perusal of the bail petition also reveals that after disposal of BLAPL No. 12891 of 2023, without moving the learned Court below for bail, this bail application has been filed.

8. Since no counsel appears on behalf of the petitioner, list this case on 05.07.2024.

9. In the meanwhile, Registry is requested to call for a report from the learned A.D.J. -cum- Special Court under POCSO Act, Balasore regarding status of the accused and present status of Special Case No. 154 of 2023.

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